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1 (d) A photocopy of a certificate or other evidence showing the applicant's
2 qualifications under sub. (3) (h).

3 (e) A full-face photograph of the applicant taken within the 30-day period
4 immediately preceding the date of the applicant's application.

5 (9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
6 under sub. (7), a ~~sheriff~~ *shall* request that the department *shall* conduct a background
7 check, as provided under sub. (9g).

8 (b) Subject to pars. (c) and (d), within ~~30~~ *21* days after receiving an application
9 under sub. (7), a ~~sheriff~~ *the department* shall do one of the following:

10 1. Issue the license and promptly send the licensee his or her license document
11 by 1st class mail.

12 2. Deny the application, but only if the applicant fails to qualify under the
13 criteria specified in sub. (3). If the ~~sheriff~~ *department* denies the application, ~~he or she~~ *the department* shall
14 inform the applicant in writing, stating the reason and factual basis for the denial
15 to the extent permitted under federal law.

16 (c) Except as provided in sub. (9r) or (10), a ~~sheriff~~ *the department* may not issue a license until
17 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the ~~time that~~
18 ~~the sheriff has received~~ *creation of* a confirmation number regarding the background check
19 under sub. (9g) (b) 1. ~~from the department~~ *the department*, unless the ~~department~~ *the department* has notified the
20 ~~sheriff~~ *the department* that the background check does not indicate that the applicant is disqualified
21 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

22 (d) The time period specified in par. (b) is tolled during the pendency of any
23 action brought under sub. (10m).

24 (9g) BACKGROUND CHECKS. (a) A sheriff shall request that the department
25 conduct a background check by calling the department, using a toll-free telephone

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number provided by the department, and providing the department with the name, date of birth, gender, and race of the applicant.

(b) Upon receiving a request under par. (a), the department shall conduct a background check using the following procedure:

1. The department shall provide the sheriff with a confirmation number confirming the receipt of the information under par. (a).

2. The department shall conduct the background check regarding an applicant for a license under this section. In conducting a background check under this subdivision, the department shall use the transaction information for management of enforcement system and the national crime information center system.

3. The department shall notify the sheriff, either during the initial telephone call or as soon thereafter as practicable, of the results of the background check as follows:

a. If the background check indicates that the applicant does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall provide the sheriff with a unique nonapproval number. The department shall disclose to the sheriff the reason the applicant does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

b. If the completed background check does not indicate that the applicant is disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall provide the sheriff with a unique approval number.

c. If the background check indicates that the applicant was the subject of a relevant criminal charge for which there is no recorded disposition or if, in the case of a misdemeanor delinquency adjudication, the background check does not indicate

regarding
an
applicant
for a
license

(b) par. b

create

associated with
the applicant

as soon as practicable

do the following

create

for the applicant

for the
applicant

create

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1 how long the resultant dispositional order was in effect, and the 7-day time period
2 described in sub. (9) (c) has not yet run, ^(extend) that time period ~~is extended~~ ^{and} by 72 hours.

3 ~~The department shall notify the sheriff of the extension as soon as practicable.~~

4 ~~During the extended period, the department shall make all reasonable efforts to~~
5 ~~obtain the missing information and shall notify the sheriff of the results of its efforts~~
6 ~~as soon as practicable.~~

7 (bm) The department shall conduct the background check under par. (b)
8 immediately if, when requesting it under par. (a), the sheriff informs the department
9 that the background check is for an applicant for an emergency license under sub.
10 (9r). ^{collect from each applicant}

11 (c) ~~The department shall charge a sheriff a fee of \$8 for each background check~~
12 ~~that the sheriff requests under par. (a), except that the department shall waive the~~
13 ~~fee if, when requesting the background check, the sheriff informs the department~~
14 ~~that the fee is being waived under sub. (9r) (c). The sheriff shall collect the fee from~~
15 ~~the applicant unless the fee is waived under sub. (9r) (c).~~

16 (d) ^{The department} A sheriff shall maintain the original record of all completed application
17 forms and a record of all confirmation numbers and corresponding approval or
18 nonapproval numbers that he or she receives regarding background checks under
19 this subsection. The sheriff shall mail a duplicate copy of each completed application
20 form to the department.

21 (e) 1. The department shall check each duplicate application form received
22 under par. (d) against the information recorded by the department regarding the
23 corresponding request for a background check under this subsection. If the
24 department previously provided a unique approval number regarding the request
25 and nothing in the duplicate completed application form indicates that the applicant

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1 is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
2 (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records
3 regarding that background check within 30 days after receiving the duplicate form.

4 If the department previously provided a unique approval number regarding the
5 request and the duplicate completed application form indicates that the applicant is
6 not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
7 (n), (o), or (r), the department shall immediately notify the sheriff who issued the
8 license, and the sheriff shall revoke the license.

9 2. The department may maintain records necessary to administer this
10 subsection and, for a period of not more than 3 years after the department issues a
11 unique approval number, a log of dates of requests for background checks under this
12 subsection together with confirmation numbers and unique approval and
13 nonapproval numbers corresponding to those dates.

14 (f) The department shall promulgate rules authorizing it to obtain records
15 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
16 (j) for a license issued under this section. The department may not disclose
17 information that it obtains under rules issued under this paragraph except to a
18 sheriff under par. (b) 3. or sub. (9r) (b) 2. or (11) (d) 3.

19 **(9r) EMERGENCY LICENSE.** (a) Unless the ~~sheriff~~ ^{department} knows that the person is not
20 qualified for a license under sub. (3) (a) to (g) or (i) to (s), ~~a sheriff~~ ^{the department} may issue a license
21 under this section to an individual who does not satisfy the requirements under sub.
22 (3) (h) without regard for the waiting period under sub. (9) (c) if the ~~sheriff~~ ^{department} determines
23 that immediate licensure is warranted to protect the individual from death or great
24 bodily harm, as defined in s. 939.22 (14). ~~A sheriff who~~ ^{If the department} issues a license under this

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it shall conduct
1 paragraph shall notify the department and request an immediate background check
2 under sub. (9g).

3 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
4 is valid for 120 days from the date on which it is issued and may not be renewed.

5 2. If the department *learns* notifies the sheriff that an individual to whom the *department* sheriff
6 has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d),
7 (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the *department* sheriff shall revoke the license.

8 (c) *The department* A sheriff may waive the fees that would otherwise be required under sub.
9 (7) (bd), (bh), (bp), and (b) and (9g) (c) for an individual who is applying for a license
10 under par. (a) if requiring the individual to pay the fees would create a hardship for
11 the individual. The department shall promulgate rules specifying the procedures
12 and definitions that the sheriff is required to apply when determining whether an
13 individual is eligible for a waiver of the fees for an emergency license under this
14 section as provided under this paragraph.

15 (d) A person who has been issued a license under par. (a) may obtain a license
16 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
17 completes the application process specified in sub. (7). A license issued to a person
18 under par. (a) is void if the person is issued a license under sub. (2).

19 (10) EXEMPTION FROM BACKGROUND CHECK. Notwithstanding subs. (9) (a) and
20 (15) (c), *the department* a sheriff shall issue or renew a license under this section to any of the
21 following individuals without waiting 7 days or requesting a background check:

22 (a) A law enforcement officer. *a a related law enforcement officer*

23 (b) A correctional officer.

24 (c) A probation, parole, and extended supervision agent.

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1 (d) A person who holds a current certification from the law enforcement
2 standards board under s. 165.85 (3) (c).

3 **(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If a
4 sheriff receives an application for a license under this section from a person who has
5 committed a misdemeanor crime of violence and the person is eligible for a license
6 under sub. (3) (m), the sheriff may file a petition under this subsection asking the
7 circuit court to enter an order barring the person from receiving a license. The
8 petition shall allege that the person would pose a substantial risk to others if the
9 person were granted a license under this section.

10 (b) The sheriff shall file any such petition in the circuit court of the sheriff's
11 county, or if applicable, the circuit court of the county of issuance designated under
12 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving
13 the person's completed application, unless the person was issued a license under sub.
14 (9r). The court shall allow the person 30 days to file an answer to the petition. The
15 court may hold an evidentiary hearing on the petition.

16 (c) If the court determines, by clear and convincing evidence, that the person
17 would pose a substantial risk to others if the person were granted a license under this
18 section, the court shall enter an order prohibiting the person from obtaining a license
19 under this section.

20 (d) If the court denies the sheriff's petition, the court shall award the person
21 costs and reasonable attorney fees.

22 (e) The court shall expedite any proceeding brought under this subsection.

23 **(11) LICENSEE INFORMATION.** (a) A sheriff who issues licenses to carry a
24 concealed weapon under this section shall, within 5 days after issuing a license,
25 notify the department that he or she has issued a license under this section and

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1 provide the department with the information specified in sub. (2m) (b) concerning the
2 individual to whom the license was issued.

3 (am) The department shall maintain a computerized record listing the names
4 of all individuals who have been issued a license under this section along with the
5 information concerning each individual that is provided to the department by a
6 sheriff under par. (a). After entering the information that it receives under par. (a),
7 the department may not store, maintain, format, sort, or access the information in
8 any way other than by the name of the licensee or the identification number assigned
9 to the licensee under sub. (2m) (b) 8.6

10 (c) 1. The department and any sheriff issuing licenses under this section shall
11 provide information concerning a specific licensee to a law enforcement agency, but
12 only if the law enforcement agency is requesting the information for any of the
13 following purposes:

14 a. To confirm that a license produced by an individual at the request of a law
15 enforcement officer is valid.

16 b. To confirm that the individual holds a valid license under this section, if the
17 individual is going armed with a concealed weapon but is not carrying his or her
18 license document and claims to hold a valid license issued under this section.

19 c. To investigate whether an individual intentionally falsely swore under sub.
20 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false
21 statement to the department or a sheriff in connection with the individual's request for an emergency
22 license under sub. (9r).

23 2. If the department maintains information compiled under this section
24 regarding licensees through the transaction information for the management of
25 enforcement system and a law enforcement officer uses that system in the context

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1 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
2 officer may only obtain information from that system regarding the licensee's status
3 as a licensee for the purposes listed in subd. 1.

4 (d) 1. In this paragraph:

5 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
6 ordinance in conformity with s. 346.63, the clerk of the court for a federally
7 recognized American Indian tribe or band in this state, a city, a village, or a town.

8 b. "Court automated information systems" means the systems under s. 758.19
9 (4).

10 2. The court automated information systems, or the clerk or register in probate,
11 if the information is not contained in or cannot be transmitted by the court
12 automated information systems, shall promptly notify the department of the name
13 of any individual with respect to whom any of the following occurs and the specific
14 reason for the notification:

15 a. The individual is charged with a felony, a misdemeanor crime of violence, a
16 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
17 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any
18 other crime that, upon conviction, would disqualify the individual from having a
19 license under this section.

20 b. The individual is charged with a drunk driving offense.

21 c. The individual is found by a court to have committed any offense described
22 in subd. 2. a. or b.

23 d. Prosecution of a felony or a misdemeanor crime of violence for which the
24 individual is charged is suspended under a deferred prosecution agreement.

25 e. The individual is found incompetent under s. 971.14.

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1 f. The individual is found not guilty of any crime by reason of mental disease
2 or mental defect under s. 971.17.

3 g. The individual is involuntarily committed for treatment under s. 51.20 or
4 51.45.

5 h. The individual is found incompetent under ch. 880.

6 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
7 or is ordered not to possess a firearm under s. 813.125 (4m).

8 j. A court has prohibited the individual from possessing a dangerous weapon
9 under s. 969.02 (3) (c).

10 3. Upon receiving a notice under subd. 2., the department shall immediately
11 determine if the individual who is the subject of the notice is a licensee, using the list
12 maintained under par. (am). If the department determines that the individual is a
13 licensee, the department shall immediately inform the sheriff of the county that
14 issued the license of the individual's name and the basis for the notice under subd.
15 2.

16 (12) UPDATED INFORMATION. (a) Within 10 days after being charged under
17 federal law or the law of another state with any crime or any drunk driving offense,
18 a licensee shall notify the ~~sheriff of the county that issued his or her license~~ of the
19 charge. *department*

20 (b) No later than 30 days after changing his or her address, a licensee shall
21 inform the ~~sheriff of the county that issued the license~~ of his or her new address. The
22 ~~sheriff~~ *department* shall ~~provide~~ *include* the individual's new address to the ~~department~~ *department* for inclusion in
23 the list under sub. (11) (am). *✓*

24 (13) LOST OR DESTROYED LICENSE. No later than 30 days after losing his or her
25 license document or after his or her license document is destroyed, a licensee shall

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1 submit to the ~~sheriff~~ ^{department} of the county that issued the license a notarized statement that
2 his or her license document has been lost or destroyed. The ~~sheriff~~ ^{department} shall issue a
3 replacement license document upon receiving the notarized statement and a
4 replacement license fee of \$15.

5 (14) LICENSE REVOCATION AND SUSPENSION. (a) ~~A sheriff~~ ^{the department} shall revoke a license
6 that his or her county issued under this section if the licensee no longer meets all of
7 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

8 (am) 1. If any of the following occurs with respect to a licensee, the ~~sheriff of~~
9 ~~the county that issued the license~~ ^{department} shall suspend the licensee's license:

10 a. The licensee is the subject of a pending civil or criminal case, the disposition
11 of which could require revocation of his or her license under par. (a).

12 b. A court has prohibited the licensee from possessing a dangerous weapon
13 under s. 969.02 (3) (c).

14 2. If the ~~sheriff~~ ^{department} suspends a license under subd. 1., ~~he or she~~ ^{it} shall restore the
15 license if, upon disposition of the case, the person to whom the license was issued
16 meets all of the criteria specified in sub. (3).

17 (b) 1. If a ~~sheriff~~ ^{the department} revokes or suspends a license under this section, the revocation
18 or suspension shall take effect immediately.

19 2. A ~~sheriff~~ ^{the department} who suspends or revokes a license issued under this section shall
20 send the individual whose license has been suspended or revoked notice of the
21 suspension or revocation by certified mail within one day after the suspension or
22 revocation. Within 7 days after receiving the notice, the individual whose license has
23 been suspended or revoked shall deliver the license document personally or by
24 certified mail to the ~~sheriff~~ ^{department}.

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1 (14m) APPEALS. (a) A person aggrieved by any action by a ^{the department} sheriff denying an
2 application for a license or suspending or revoking a license under this section may
3 appeal directly to the circuit court of ^{his or her} the sheriff's county or, if applicable, to the circuit
4 court of the county of issuance designated under sub. (2) (c).

5 (b) To begin an appeal under this subsection, the aggrieved person shall file a
6 petition for review with the clerk of the applicable circuit court within 30 days after
7 the date of the ^{department's} sheriff's action or, if applicable, within 30 days after the date of the
8 notice provided to the person under sub. (9) (b) 2. The petition shall state the
9 substance of the ^{department's} sheriff's action that the person is appealing from and the grounds
10 upon which the person believes the ^{department's} sheriff's action to be improper. The petition may
11 include a copy of any records or documents that are relevant to the grounds upon
12 which the person believes the ^{department's} sheriff's action to be improper.

13 (c) A copy of the petition shall be served upon the ^{department} sheriff either personally or
14 by registered or certified mail within 5 days after the person files his or her petition
15 under par. (b).

16 (d) The ^{department} sheriff shall file an answer within 15 days after being served with the
17 petition under par. (c). The answer shall include a brief statement of the actions
18 taken by the ^{department} sheriff, and a copy of any documents or records on which the ^{department} sheriff
19 based ^{his or her} his or her action shall be included with the answer when filed.

20 (e) The court shall review the petition, the answer, and any records or
21 documents submitted with the petition or the answer. The review under this
22 paragraph shall be conducted by the court without a jury and shall be confined to the
23 petition, the answer, and any records or documents submitted with the petition or
24 the answer, except that in cases of alleged irregularities in procedure by the ^{department} sheriff
25 the court may take testimony that the court determines is appropriate.

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1 (f) The court shall affirm the sheriff's action unless the court finds any of the
2 following:

3 1. That the sheriff failed to follow procedure prescribed under this section.

4 2. That the sheriff erroneously interpreted a provision of law and a correct
5 interpretation compels a different action.

6 3. That the sheriff's action depends on a finding of fact that is not supported
7 by substantial evidence in the record.

8 (g) The court's decision shall provide whatever relief is appropriate regardless
9 of the original form of the petition.

10 (15) LICENSE EXPIRATION AND RENEWAL. (a) Except as provided in sub. (9r) (b)
11 1., a license issued under this section is valid for a period of 5 years from the date on
12 which the license is issued unless the license is suspended or revoked under sub. (9g)
13 (e) 1. or (14).

14 (b) The department shall design a form notice of expiration and shall distribute
15 the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this
16 paragraph. At least 90 days before the expiration date of a license issued under this
17 section, the sheriff who issued the license shall mail to the licensee a notice of
18 expiration and a form for renewing the license. The sheriff shall renew the license
19 if, before the date the license expires, the licensee does all of the following:

20 1. Submits a renewal application on the form provided by the sheriff.
21 2. Submits a notarized affidavit swearing under oath that the information
22 provided under subd. 1. is true and complete to the best of his or her knowledge and
23 that he or she is qualified under sub. (3).

24 4. Pays all of the following:

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\$52 renewal

1 a. ~~A fee set by the sheriff that does not exceed either the cost to the sheriff of~~
2 ~~renewing a license issued under this section, including the cost of equipment~~
3 ~~purchase or rental, or \$75, whichever is less.~~

4 b. ~~The fee for a background check specified in sub. (9g)(c).~~

5 c. A shooting range improvement fee of \$15.

6 d. A law enforcement excellence fund fee of \$15.

7 (c) The sheriff shall request that the department conduct a background check
8 of a licensee as provided under sub. (9g) before renewing the licensee's license under
9 par. (b).

10 (d) If an individual whose license has expired does not submit a renewal
11 application under par. (b) before 6 months after the expiration date, the license shall
12 permanently expire. An individual whose license has permanently expired may be
13 issued a new license if he or she applies for a license under sub. (7).

14 (15m) PRIVATE EMPLOYER RESTRICTIONS. (a) Except as provided in par. (b), a
15 private employer may prohibit a licensee or an out-of-state licensee that it employs
16 from carrying a concealed weapon or a particular type of concealed weapon in the
17 course of the licensee's or out-of-state licensee's employment or during any part of
18 the licensee's or out-of-state licensee's course of employment.

19 (b) A private employer may not prohibit a licensee or an out-of-state licensee,
20 as a condition of employment, from carrying a concealed weapon or a particular type
21 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,
22 regardless of whether the motor vehicle is used in the course of employment.

23 (16) PROHIBITED ACTIVITY. (a) Neither a licensee nor an out-of-state licensee
24 may knowingly carry a concealed weapon in any of the following places:

25 1. A place that has been declared a nuisance under ch. 823.

of \$8
whenever a separate check, made out
to the applicant's county of
residence, that the
department shall
immediately
forward
to the
county

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1 2. A police station, sheriff's office, or state patrol station. This subdivision does
2 not prohibit a peace officer who is acting within the scope of his or her employment
3 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
4 station.

5 3. A prison, jail, house of correction, or secured correctional facility.

6 4. A courthouse, except that a judge who is a licensee may carry a concealed
7 weapon in a courthouse in which he or she is presiding in court and may permit in
8 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
9 courthouse in which he or she is presiding in court.

10 5. A place at which a school, college, or professional athletic event is taking
11 place, unless the event is related to firearms and the licensee or out-of-state licensee
12 is a participant in the event.

13 5m. A place at which an organized youth sporting event is taking place.

14 6. A school administration building.

15 7. Any premises for which a Class "B" or "Class B" license or permit has been
16 issued under ch. 125, unless one of the following applies:

17 a. The licensee or the out-of-state licensee is a person described in s. 941.237
18 (3) (a), (b), (c), (cm), or (d).

19 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
20 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

21 8. An airport, unless the weapon is encased for shipment as baggage to be
22 transported by aircraft.

23 9. A place in which carrying the weapon is prohibited by federal law.

24 10. A building or part of a building used for religious worship or another
25 religious purpose.

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1 11. A building or part of a building that is used to provide child care services.

2 12. A building or part of a building that is used for a domestic violence victim
3 services program or by an organization that provides a safe haven for victims of
4 domestic violence.

5 13. A building or part of a building used by a health care facility, as defined in
6 s. 150.84 (2), or by a clinic or office that is used by a physician licensed under ch. 448.

7 14. A building located on the campus of a private or public university, college,
8 or technical college.

9 15. A building or part of a building used for instructional purposes by a private
10 or public university, college, or technical college.

11 100 16. A kindergarten facility or classroom.

12 (am) Notwithstanding par. (a) 10., 11., 12., and 13., the owner or authorized
13 representative may permit a licensee or out-of-state licensee to carry a concealed
14 weapon in any of the places mentioned in par. (a) 10., 11., 12., or 13.

15 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
16 weapon in a building owned or leased by the state or any political subdivision of the
17 state if the building provides electronic screening for weapons at all public entrances
18 to the building and for the locked storage of weapons on the premises while the
19 licensee or out-of-state licensee is in the building. This paragraph does not apply
20 to:

21 1. Peace officers or armed forces or military personnel who go armed in the line
22 of duty.

23 2. A person authorized to carry a weapon in the building by the chief of police
24 of the city, village, or town or the sheriff of the county in which the building is located.

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1 3. A person authorized to carry a weapon in the building by the chief of the
2 capitol police, if the building is owned or leased by the state.

3 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
4 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
5 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
6 applies:

7 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

8 2. The individual has exited a motor vehicle and is encasing the handgun or
9 storing it in the motor vehicle.

10 3. The individual is traveling directly to any person's private property from his
11 or her place of employment or business, from any person's private property, or from
12 a place outside of the school zone.

13 4. The individual is traveling directly to his or her place of employment or
14 business from another place of his or her employment or business, from any person's
15 private property, or from a place outside of the school zone.

16 5. The individual is traveling directly to a place outside of the school zone from
17 another place outside of the school zone, from any individual's private property, or
18 from his or her place of employment or business.

19 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

20 (c) Neither a licensee nor an out-of-state licensee may carry a weapon other
21 than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she
22 is a person described in or a person whose conduct is described in s. 948.61 (3).

23 (cm) 1. A person may not carry a concealed weapon if any of the following
24 applies:

25 a. The person's alcohol concentration exceeds 0.08.

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1 b. The person is under the influence of an intoxicant to a degree which
2 materially impairs his or her ability to handle the weapon.

3 2. A person may be charged with and a prosecutor may proceed upon a
4 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the
5 same incident or occurrence. If the person is charged with violating both subd. 1. a.
6 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a
7 fact for conviction which the other does not require.

8 (d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).

9 (17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required
10 to forfeit not more than \$25.

11 (b) Any person who violates sub. (2k) (e) or (16) may be fined not more than
12 \$1,000 or imprisoned for not more than 90 days or both.

13 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or
14 who intentionally makes a false statement to ^{the department} a sheriff in requesting or in connection
15 with the issuance of an emergency license under sub. (9r) shall be fined not less than
16 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

17 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
18 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

19 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
20 document to ^{the department} a sheriff who intentionally violates the requirements of that subdivision
21 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
22 not more than 9 months.

23 (18) ACCESS TO RECORDS. Records created or kept under this section by the
24 department or a sheriff, other than reports created under sub. (19) or records created
25 under sub. (20), are not subject to access under s. 19.35.

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1 (19) STATISTICAL REPORT. (a) By February 1 of each year, ~~a sheriff who is issuing~~^{the department}
2 ~~or renewing licenses under this section shall submit~~^{create} a statistical report ~~to the~~
3 ~~department~~ indicating the number of licenses applied for, issued, denied, suspended,
4 and revoked under this section during the previous calendar year. For the licenses
5 denied, the report shall indicate the reasons for the denials and the part of the
6 application process during which the reasons for denial were discovered. For the
7 licenses suspended or revoked, the report shall indicate the reasons for the
8 suspensions and revocations.

9 (b) By March 1 of each year, the department shall submit a statistical report
10 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
11 reports submitted under par. (a) and that indicates the number of licenses applied
12 for, issued, denied, suspended, and revoked under this section during the previous
13 calendar year. For the licenses denied, the report shall indicate the reasons for the
14 denials and the part of the application process in which the reasons for denial were
15 discovered. For the licenses suspended or revoked, the report shall indicate the
16 reasons for the suspensions and revocations.

17 (20) LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses
18 under sub. (2) (a) or is party to an agreement under sub. (2) (c), the county board shall
19 establish a law enforcement excellence fund. All money received by a sheriff from
20 payments made under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance
21 with s. 59.25 (3) (u) ~~4.~~ in the law enforcement excellence fund established under this
22 subsection.

23 (b) A law enforcement excellence fund established under this subsection shall
24 be used to improve law enforcement services in the county and may not be used to
25 supplant or replace other funds otherwise available to the sheriff.

BILL

SECTION 21

(20m) GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub. (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award grants to persons for construction or improvement of shooting ranges.

(b) A grant awarded under this subsection may be for up to 50 percent of the cost of the construction or improvement of the shooting range. A grant awarded under this subsection may not be used to pay for any of the following:

1. The construction of clubhouses and facilities that are not essential to the operation of the shooting range.

2. The operation and maintenance of the shooting range.

(c) In order to receive a grant under this subsection, the person creating or improving a shooting range shall agree to provide, for a fee of not more than \$20, a firearm safety course or class that will qualify an individual to satisfy the requirements under sub. (3) (h) for a license to carry a concealed weapon.

(d) In determining whether to make a grant under this subsection to a particular applicant, the sheriff shall consider the potential of the project to meet the needs of firearm safety courses or classes that meet the requirements under sub. (4m) in the area served by the shooting range relative to the proposed cost of the construction or improvement.

(21) IMMUNITY. (a) The department and its employees, sheriffs and their employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated information systems, as defined under sub. (11) (d) 1. b., and its employees, and counties and their employees are immune from liability arising from any act or omission under this section, if done in good faith.

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1 (b) A person providing a firearm safety or firearm training course or class in
2 good faith is immune from liability arising from any act or omission related to the
3 course or class if the course or class is one described in sub. (3) (h).

4 (c) A business or a nonprofit organization that permits a person to carry a
5 concealed weapon on property that it owns or occupies is immune from any liability
6 arising from its decision to do so, if done in good faith.

7 (d) An employer that permits any of its employees to carry a concealed weapon
8 under sub. (15m) is immune from any liability arising from its decision to do so, if
9 done in good faith.

10 **SECTION 22.** 440.26 (3m) of the statutes is amended to read:

11 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall
12 promulgate rules relating to the carrying of dangerous weapons by a person who
13 holds a license or permit issued under this section or who is employed by a person
14 licensed under this section. The rules shall allow the person to go armed with a
15 concealed weapon as permitted under s. 175.50 if the person is licensed under that
16 section and shall meet the minimum requirements specified in 15 USC 5902 (b).

17 **SECTION 23.** 813.12 (6) (am) 1. of the statutes is amended to read:

18 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
19 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
20 the department of justice of the injunction and shall provide the department of
21 justice with information concerning the period during which the injunction is in
22 effect and information necessary to identify the respondent for purposes of a firearms
23 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
24 175.50 (9g) (b).

25 ~~**SECTION 24.** 813.12 (6) (am) 2. of the statutes is amended to read:~~

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1 813.12 (6) (am) 2. Except as provided in subd. 3., the department of justice may
2 disclose information that it receives under subd. 1. only as part of a firearms
3 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
4 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
5 (11) (d) 3.

6 **SECTION 25.** 813.122 (9) (am) 1. of the statutes is amended to read:

7 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
8 clerk of the circuit court shall notify the department of justice of the injunction and
9 shall provide the department of justice with information concerning the period
10 during which the injunction is in effect and information necessary to identify the
11 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
12 (c) or a background check under s. 175.50 (9g) (b).

13 **SECTION 26.** 813.122 (9) (am) 2. of the statutes is amended to read:

14 813.122 (9) (am) 2. Except as provided in subd. 3., the department of justice
15 may disclose information that it receives under subd. 1. only as part of a firearms
16 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
17 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
18 (11) (d) 3.

19 **SECTION 27.** 813.125 (5r) (a) of the statutes is amended to read:

20 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
21 is issued under sub. (4m), the clerk of the circuit court shall notify the department
22 of justice of the existence of the order prohibiting a respondent from possessing a
23 firearm and shall provide the department of justice with information concerning the
24 period during which the order is in effect and information necessary to identify the

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1 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
2 (c) or a background check under s. 175.50 (9g) (b).

3 **SECTION 28.** 813.125 (5r) (b) of the statutes is amended to read:

4 813.125 (5r) (b) Except as provided in par. (e), the department of justice may
5 disclose information that it receives under par. (a) only as part of a firearms
6 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
7 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
8 (11) (d) 3.

9 **SECTION 29.** 885.235 (1g) (intro.) of the statutes is amended to read:

10 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
11 that a person was under the influence of an intoxicant or had a prohibited alcohol
12 concentration or a specified alcohol concentration while operating or driving a motor
13 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
14 a motorboat, except a sailboat operating under sail alone, while operating a
15 snowmobile, while operating an all-terrain vehicle, while going armed with a
16 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
17 the person's blood at the time in question, as shown by chemical analysis of a sample
18 of the person's blood or urine or evidence of the amount of alcohol in the person's
19 breath, is admissible on the issue of whether he or she was under the influence of an
20 intoxicant or had a prohibited alcohol concentration or a specified alcohol
21 concentration if the sample was taken within 3 hours after the event to be proved.
22 The chemical analysis shall be given effect as follows without requiring any expert
23 testimony as to its effect:

24 **SECTION 30.** 885.235 (1g) (e) of the statutes is created to read:

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1 885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact
2 that the analysis shows that the person had an alcohol concentration of more than
3 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was
4 intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any
5 prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the
6 analysis shows that the person had an alcohol concentration of 0.08 or more is prima
7 facie evidence that he or she had an alcohol concentration of 0.08 or more.

8 **SECTION 31.** 938.396 (8) of the statutes is amended to read:

9 938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
10 an act that would be a felony if committed by an adult, the court clerk shall notify
11 the department of justice of that fact. No other information from the juvenile's court
12 records may be disclosed to the department of justice except by order of the court.
13 The department of justice may disclose any information provided under this
14 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)
15 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
16 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

17 **SECTION 32.** 938.396 (8m) of the statutes is created to read:

18 938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
19 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
20 (e), if committed by an adult, the court clerk shall notify the department of justice
21 of that fact. Except as provided in par. (b), no other information from the juvenile's
22 court records may be disclosed to the department of justice except by order of the
23 court.

24 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
25 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of

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1 justice may request permission to review court records relating to the case for the
2 purpose of determining whether the applicant meets the requirement under s.
3 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
4 authorized representatives of the department of justice the records of the court
5 relating to that case.

6 (c) The department of justice may disclose information provided or obtained
7 under this subsection only as part of a background check under s. 175.50 (9g) (b) or
8 to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

9 **SECTION 33.** 941.20 (1) (a) of the statutes is amended to read:

10 941.20 (1) (a) Endangers another's safety by the negligent operation or
11 handling of a dangerous weapon; ~~or.~~

12 **SECTION 34.** 941.20 (1) (b) of the statutes is amended to read:

13 941.20 (1) (b) Operates ~~or goes armed with~~ a firearm while he or she is under
14 the influence of an intoxicant; ~~or.~~

15 **SECTION 35.** 941.20 (1) (bm) of the statutes is created to read:

16 941.20 (1) (bm) Goes armed with a firearm while he or she is under the
17 influence of an intoxicant. This paragraph does not apply to a licensee, as defined
18 in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes
19 armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is
20 under the influence of an intoxicant or while he or she has an alcohol concentration,
21 as defined in s. 340.01 (1v), that exceeds 0.08.

22 **SECTION 36.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
23 amended to read:

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1 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~
2 ~~following~~, who goes armed with a concealed and dangerous weapon is guilty of a
3 Class A misdemeanor;

4 **SECTION 37.** 941.23 (1) (a) of the statutes is created to read:

5 941.23 (1) (a) A peace officer. *or a retired peace officer*

6 **SECTION 38.** 941.23 (1) (b) of the statutes is created to read:

7 941.23 (1) (b) An individual holding a valid license under s. 175.50 or
8 authorized under the law of another state to go armed with a concealed weapon in
9 that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

10 **SECTION 39.** 941.23 (1) (c) of the statutes is created to read:

11 941.23 (1) (c) An individual who goes armed with a concealed and dangerous
12 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
13 or on land that he or she owns, leases, or legally occupies, unless he or she is
14 prohibited under federal or state law from possessing that weapon.

15 **SECTION 40.** 941.23 (2) of the statutes is created to read:

16 941.23 (2) An individual formerly licensed under s. 175.50 whose license has
17 been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to
18 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
19 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
20 has complied with s. 175.50 (12).

21 **SECTION 41.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
22 amended to read:

23 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

24 (a) Peace officers or armed forces or military personnel who go armed in the line
25 of duty or to any

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1 (b) A person duly authorized by the chief of police of any city, village or town,
2 the chief of the capitol police or the sheriff of any county to possess a firearm in any
3 building under sub. (1).

4 **SECTION 42.** 941.235 (2) (c) of the statutes is created to read:

5 941.235 (2) (c) An individual holding a valid license under s. 175.50 or
6 authorized under the law of another state to go armed with a concealed weapon, as
7 defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

8 **SECTION 43.** 941.237 (3) (ct) of the statutes is created to read:

9 941.237 (3) (ct) An individual holding a valid license under s. 175.50 or
10 authorized under the law of another state to go armed with a concealed weapon in
11 that state.

12 **SECTION 44.** 941.295 (2) (d) of the statutes is amended to read:

13 941.295 (2) (d) Any manufacturer or seller ~~whose~~ of electric weapons are used
14 in this state solely by persons, unless the manufacturer or seller engages in the
15 conduct described in sub. (1) with the intent to provide an electric weapon to someone
16 other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use
17 in his or her dwelling or place of business or on land that he or she owns, leases, or
18 legally occupies.

19 **SECTION 45.** 941.295 (2g) of the statutes is created to read:

20 941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an
21 electric weapon does not apply to any of the following:

22 (a) An individual holding a valid license under s. 175.50 or authorized under
23 the law of another state to go armed with a concealed weapon in that state.

24 (b) An individual who goes armed with an electric weapon in his or her own
25 dwelling or place of business or on land that he or she owns, leases, or legally

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occupies, unless he or she is prohibited under federal or state law from possessing that weapon.

SECTION 46. 941.295 (2r) of the statutes is created to read:

941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does not apply to any of the following:

(a) An individual holding a valid license under s. 175.50 or authorized under the law of another state to go armed with a concealed weapon in that state.

(b) An individual who transports an electric weapon from any of the following places to any of the following places:

1. His or her dwelling.

2. His or her own place of business.

3. Land that he or she owns, leases, or legally occupies.

SECTION 47. 943.13 (1e) (bm) of the statutes is created to read:

943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

SECTION 48. 943.13 (1e) (g) of the statutes is created to read:

943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

SECTION 49. 943.13 (1m) (b) of the statutes is amended to read:

943.13 (1m) (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent the licensee from going armed with a concealed weapon on the owner's or occupant's land.

SECTION 50. 943.13 (1m) (c) of the statutes is created to read:

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1 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
2 remains at a residence that the person does not own or occupy after the owner of the
3 residence, if he or she has not leased it to another person, or the occupant of the
4 residence has notified the actor not to enter or remain at the residence while going
5 armed with a concealed weapon or with that type of concealed weapon. In this
6 subdivision, “residence,” with respect to a single-family residence, includes all of the
7 premises, and “residence,” with respect to a residence that is not a single-family
8 residence, does not include any common area of the building in which the residence
9 is located.

10 2. While going armed with a concealed weapon, enters or remains in any part
11 of a nonresidential building that the person does not own or occupy after the owner
12 of the building, if he or she has not leased it to another person, or the occupant of the
13 building has notified the actor not to enter or remain in the building while going
14 armed with a concealed weapon or with that type of concealed weapon. This
15 subdivision does not apply to a part of a building occupied by the state or one of its
16 political subdivisions or to any part of a building used for parking.

17 **SECTION 51.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
18 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

19 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
20 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
21 either orally or in writing, or if the land is posted. Land is considered to be posted
22 under this subsection paragraph under either of the following procedures:

23 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
24 for every 40 acres to be protected. The sign must carry an appropriate notice and the
25 name of the person giving the notice followed by the word “owner” if the person giving

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1 the notice is the holder of legal title to the land and by the word “occupant” if the
2 person giving the notice is not the holder of legal title but is a lawful occupant of the
3 land. Proof that appropriate signs as provided in this ~~paragraph~~ subdivision were
4 erected or in existence upon the premises to be protected prior to the event
5 complained of shall be prima facie proof that the premises to be protected were posted
6 as provided in this ~~paragraph~~ subdivision.

7 **SECTION 52.** 943.13 (2) (bm) of the statutes is created to read:

8 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
9 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches *square*

10 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
11 nonresidential building has notified an individual not to enter or remain in that part
12 of the nonresidential building while going armed with a concealed weapon or with
13 a particular type of concealed weapon if the owner or occupant has done all of the
14 following:

15 a. Posted a sign that is located in a prominent place near the primary entrance
16 to the part of the nonresidential building to which the restriction applies.

17 b. Personally and orally notified the individual of the restriction.

18 **SECTION 53.** 943.13 (3) of the statutes is amended to read:

19 943.13 (3) Whoever erects on the land of another signs which are the same as
20 or similar to those described in sub. (2) (am) without obtaining the express consent
21 of the lawful occupant of or holder of legal title to such land is subject to a Class C
22 forfeiture.

23 **SECTION 54.** 946.32 (3) of the statutes is created to read:

24 946.32 (3) This section does not apply to offenses that may be prosecuted under
25 s. 175.50 (17) (c).

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1 **SECTION 55.** 948.605 (2) (c) of the statutes is created to read:

2 948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as
3 defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50
4 or authorized under the law of another state to go armed with a concealed handgun
5 who is going armed with a concealed handgun as permitted under s. 175.50.

6 **SECTION 56.** 948.61 (3m) of the statutes is created to read:

7 948.61 (3m) This section does not apply to the possession of a weapon, as
8 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by
9 an individual holding a valid license under s. 175.50 or authorized under the law of
10 another state to go armed with a concealed weapon who is going armed with a
11 concealed weapon as permitted under s. 175.50.

12 **SECTION 57. Nonstatutory provisions.**

13 (1) Using the procedure under section 227.24 of the statutes, the department
14 of justice shall promulgate rules required under sections 165.25 (11) (a) and 175.35
15 (2g) (c) 3. of the statutes and under section 175.50 (9g) (f) of the statutes, as created
16 by this act, for the period before the effective date of the permanent rules
17 promulgated under those sections, but not to exceed the period authorized under
18 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
19 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
20 promulgating a rule under this subsection as an emergency rule is necessary for the
21 preservation of public peace, health, safety, or welfare and is not required to provide
22 a finding of an emergency for a rule promulgated under this subsection.

23 **SECTION 58. Effective dates.** This act takes effect on the first day of the 5th
24 month beginning after publication, except as follows:

2nd

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1 (1) The treatment of sections 165.25 (11) (a) and 175.50 (2) (b), (2m), and (5) of
2 the statutes and SECTION 57 (1) of this act take effect on the day after publication.

3 (END)

Notes from PPA (CCW) meeting

- ① Shuman's CCW bill -- use M&D's lang in analysis re: school zones
- ② Don't expand scope for background check beyond what is for gun -- unless it already was part but info. is now available
- ③ Range improvement responsibility of counties, not sheriffs
- ④ No photo on license / must carry photo i.d. -- some penalty for not carrying license
- ⑤ Limit restriction in airport -- "secure zone" only
- ⑥ Reciprocity -- just for background checks -- not for training -- DOT must still maintain list
- ⑦ P 21, L 8
- ⑧ DOT to compile list of instructors -- if DOT denies, may appeal, costs to DOT if lose
- ⑨ P. 34 - within 14 days or DOT shall name?
- ⑩ P 35 - quarterly
- ⑪ military renewal see H 2 - HB 2325
- ⑫ SB 214, 45, 3 - 50% -- based on annual gross receipts
- ⑬ immunity to ind. if allows to carry on prop.

① - Not a special penalty for .08

② P. 28, ls 12-14 - why?